

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-5 have been rejected under 35 U.S.C. 102(b) as being anticipated by Weiss (U.S. Patent No. 4,723,331). For the following reasons, the examiner's rejection is respectfully traversed. Weiss does not disclose a central rectangular area extending from one end of said panel to the other end thereof and side margins flanking said central area from one end of the central area to the other end thereof, as recited in amended claim 1. Rather, Weiss describes a rectangular piece of material extending from bottom edge 36 to top edge 38 and side margins 40 and 42 flanking the rectangular area *between edges 36 and 38*. The side margins 40 and 42 of Weiss extend only to an area of a mattress top which the sheet is intended to cover 43. (See Fig. 4). Accordingly, the side margins 40 and 42 do not extend from one end of the rectangular central area 36 to the other end 38, as required by amended claim 1.

Moreover, Weiss does not disclose said side margins joined thereto by seams extending across each end of said central rectangular area, as recited in claim 1. Rather, in Weiss cut edges 46 and 48 of corners 44 are joined together via a vertical seam extending between a top or bottom edge and a side edge. Thus, Weiss is merely a variant on a conventional fitted sheet having corner seams that extend vertically in the finished sheet, the corner seams extending between side margins and top and bottom margins; whereas, the sheet of the claimed invention includes end seams which run horizontally to join the side margins together.

Because Weiss does not disclose each and every element of claim 1, Weiss does not anticipate such claim. Claims 2-5 depend from claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 10 and 14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Macdonald (U.S. Patent No. 5,765,241). For the following reasons, the examiner's rejection is respectfully traversed. Claim 10 has been amended herein to substantially include the limitations of original claim 11, which has been cancelled herein. Macdonald does not disclose wherein said

slit edges are sewn to said main body in an *unfinished state*, as recited in amended claim 10. Instead, Macdonald states that a tube of knitted fabric is slit and *finished on its edges* 14 in a first step, and then folded back into its original tube configuration, with the finished edges meeting in the center of the tube, as shown in Fig. 6. Because Macdonald does not disclose each and every element of claim 10, Macdonald does not anticipate claim 10. Withdrawal of this rejection is respectfully requested.

Regarding claim 14, Macdonald does not disclose cutting a shallow corner from first points on the cut edge to second points on the end, folding the side margins inwardly so that at each corner, the first points are laid on top of the second points, and sewing a seam across the top and bottom ends of the fabric, to join the folded over margins to the main body of the sheet. Macdonald describes a prior art method of manufacturing fitted sheets in which corners are cut as a wide bevel with a square notch 6 in the middle thereof. Each corner is then brought together and *sewn from a vertex 2 of each notch to an edge 3 of the bevel* to create a pouch-type structure at each end of the sheet (See Figs. 5a and 5b). In this method, *a seam is not sewn across each end of the fabric*, as required by claim 14. Accordingly, the examiner relies on col. 3, lines 7-10 to disclose this element. However, the relied upon section is directed to the claimed invention of Macdonald, which does not include corners cut from each end of the fabric. Thus, the elements relied upon by the examiner in Macdonald are not arranged as required by claim 14. Withdrawal of this rejection is respectfully requested.

Claims 11-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Macdonald (U.S. Patent No. 5,765,241) in view of May (U.S. Patent No. 2,942,280). For the following reasons, the examiner's rejection is respectfully traversed. Because claim 11 has been incorporated into independent claim 10, this rejected will be discussed herein as related to claim 10. The examiner concedes that Macdonald does not disclose said slit edges are sewn to said main body in an unfinished state. Accordingly, the examiner relies on May to make up for the deficiencies of Macdonald. However, May does not disclose, teach, or suggest the use of unfinished slit edges. In May, the edge of opening 19 is not described as finished or unfinished, but it is shown in Figure 2 to be a finished edge. The applicant has found that such an unfinished edge, when repeatedly stretched, will tend to mat, rather than fray, and will hold its shape. This

Appl. No. 09/995,899
Amdt. Dated July 11, 2003
Reply to Office action of March 12, 2003

is in clear distinction to intuition, which would tend to say that an unfinished edge will fray. Thus, neither Macdonald nor May, individually or in combination, teach or suggest every limitation set forth in claim 10. Withdrawal of this rejection is respectfully requested.

Claims 6, 9, and 15-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (U.S. Patent No. 4,723,331) in view of May (U.S. Patent No. 2,942,280). For the following reasons, the examiner's rejection is respectfully traversed. Claims 6, 9, and 15-20 depend from claim 1, which is believed to be allowable over Weiss for the reasons discussed herein. May does not make up for the aforementioned deficiencies of Weiss. Accordingly, the combination of Weiss and May does not make obvious claims 6, 9, and 15-20. Moreover, regarding the unfinished edge limitation of claim 6, the unfinished edge is directed to edges of the knit material, not elastic material, as argued by the examiner. Withdrawal of this rejection is respectfully requested.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (U.S. Patent No. 4,723,331) in view of May (U.S. Patent No. 2,942,280), and further in view of Macdonald (U.S. Patent No. 5,765,241). For the following reasons, the examiner's rejection is respectfully traversed. Claims 7 and 8 depend from independent claim 1, which is believed to be allowable over Weiss for the reasons discussed herein. Neither May nor Macdonald make up for the aforementioned deficiencies of Weiss. Accordingly, the combination of Weiss,

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 09/995,899
Amtd. Dated July 11, 2003
Reply to Office action of March 12, 2003

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34200.

Respectfully submitted,

PEARNE & GORDON LLP

By: 

Una L. Schumacher, Reg. No. 48998

526 Superior Avenue, East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700

Date: July 11, 2003